



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable W. J. Muller  
County Attorney  
Kinney County  
Brackettville, Texas

Dear Sir:

Opinion Number 0-3807

Re: Is notice by publication re-  
quired for notice of an elec-  
tion to be held for the issu-  
ance of bonds by an independent  
school district?

We acknowledge receipt of your opinion request of  
recent date and quote from your letter as follows:

"The trustees of Brackett Independent School  
District contemplate calling an election for  
the issuance of bonds; they have asked me for  
an opinion as to the legal notice or notices  
required. I gave them an opinion that only such  
notice as called for in Article 2785 of our stat-  
utes, as amended, that is, the posting of notice  
in three places in the district, was all the law  
required, however, the Secretary of the Board  
informed that our Representative Huffmann stated  
to him that there was enacted by the recent Legis-  
lature a law requiring notice by publication as  
well as posting of notice for the issuance of in-  
dependent school district bonds. If such a law  
was passed same has not as yet been received here.

"Will you therefore please advise whether or  
not notice by publication is required for the  
notice of an election to be held for the issuance  
of bonds by an independent school district?"

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The question submitted by you is controlled by Article 2785, Vernon's Annotated Civil Statutes, which reads, in part, as follows:

" \* \* \* On presentation of said petition, said officer or officers shall order an election for such purpose, and order the sheriff to post notices thereof in three (3) places in the district for ten (10) days prior thereto, or if for an independent district, the secretary of said board of trustees shall post such notices. \* \* \*

Therefore, you are respectfully advised that the only notice required is that stated in the above quoted article, which requires said notice of the issuance of bonds by any independent school district to be posted in three public places ten (10) days prior to the election.

In connection with this request we have carefully studied House Bill 193, Forty-seventh Legislature, and we are of the opinion that this bill does not apply to independent school district bond elections.

Very truly yours

ATTORNEY GENERAL OF TEXAS

RECEIVED OCT 22, 1941  
Honor. W. J. Muller

By

Claud O. Boothman  
Assistant

COB-s

ASSISTANT  
ATTORNEY GENERAL



P.A.  
FRY